

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

VICTORIA HILLAIRE,

X

Plaintiff,

-against-

AMERICAN AIRLINES, INC.

Defendant.

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT  
JUN 17 2009  
BROOKLYN OFFICE  
DOCKET NO.:

09 2576  
NOTICE OF REMOVAL

BLOCK, J.

REYES, M.J.

**PLEASE TAKE NOTICE** that defendant, AMERICAN AIRLINES, INC., by and through its attorneys, RUTHERFORD & CHRISTIE, LLP, hereby removes this action to the United States District Court for the Eastern District of New York, pursuant to 28 U.S.C. § 1441 and § 1332.

1. This action was commenced against AMERICAN AIRLINES, INC., in the Supreme Court of the State of New York, County of Queens, by the filing of a Summons and Verified Complaint with the Clerk of the Court on or about March 13, 2009.
  
2. Upon information and belief and pursuant to the averments in the Summons and Verified Complaint, plaintiff is a permanent resident of the County of Queens, State of New York and, therefore, is domiciled in and citizen of, the State of New York.

3. At the time of service of the Summons and Verified Complaint, AMERICAN AIRLINES, INC. was and is incorporated under the laws of the State of Delaware, with its principal place of business in Texas and therefore is a citizen of the State of Delaware and of the State of Texas.

4. Therefore, the action is between citizens of different states as defined by 28 U.S.C. § 1332(a)(1).

5. The Complaint seeks damages for personal injury due to the alleged negligence of AMERICAN AIRLINES, INC., in excess of the jurisdictional limitations of all lower Courts in the State of New York which would otherwise have jurisdiction and upon information and belief, the matter in dispute exceeds the sum of seventy-five thousand dollars exclusive of interest and costs.

6. This cause of action is one over which this Court has original jurisdiction pursuant to 28 U.S.C. §1332, in that the amount in controversy upon information and belief, exceeds \$75,000 exclusive of interest and costs, and that it is between citizens of different states. By virtue of 28 U.S.C. §1441(a), this cause of action is removable to this Court.

7. Defendant, AMERICAN AIRLINES, INC., was purportedly served with a copy of the initial pleading setting forth the claim(s) upon which this action is based on or about June 12, 2009.

8. In accordance with 28 U.S.C. § 1446(b), this Notice of Removal is filed within 30 days after receipt by the defendant of a copy of the initial pleading.

9. Based upon the facts set forth above, this Notice of Removal is timely under 28 U.S.C. § 1446(b).

10. Pursuant to 28 U.S.C. 1446(a), copies of the Summons and Verified Complaint, which constitute all process, pleadings or orders served or filed by the parties in the Supreme Court of the State of New York, are attached hereto as Exhibit "A" and made a part of this Notice by reference.

11. AMERICAN AIRLINES, INC., will pay all costs and disbursements by reason of this removal proceeding should it be determined that this case is not removable or is improperly removed.

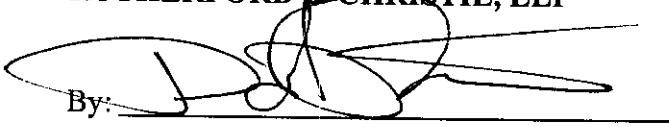
12. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

**WHEREFORE**, and without waiver of any substantial or procedural defenses, AMERICAN AIRLINES, INC., requests that this Court assume jurisdiction over this action and make such further orders herein as may be required to properly determine its controversy.

Dated: New York, New York  
June 17, 2009

Respectfully submitted,

**RUTHERFORD & CHRISTIE, LLP**

By: 

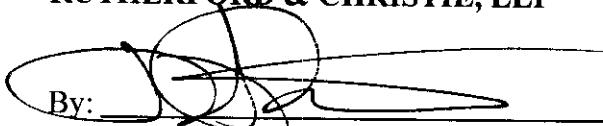
David S. Rutherford (DR 8564)  
Attorneys for Defendant  
AMERICAN AIRLINES, INC.  
369 Lexington Avenue, 8<sup>th</sup> Floor  
New York, New York 10017  
(212) 599-5799  
Our File No.: 3748.342

TO: RUBIN & LICATESI, P.C.  
Attorneys for Plaintiff  
591 Stewart Avenue, Fourth Floor  
Garden City, New York 11530  
(516) 227-2662

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that copies of DEFENDANT'S NOTICE OF REMOVAL, TO THE CLERK OF THE SUPREME COURT, QUEENS COUNTY, NOTICE OF REMOVAL and NOTICE TO ADVERSE PARTY OF FILING OF NOTICE OF REMOVAL were served via regular mail to the firm of RUBIN & LICATESI, P.C., Attorneys for Plaintiff, 591 Stewart Avenue, Fourth Floor, Garden City, New York 11530, on the 17th day of June, 2009.

**RUTHERFORD & CHRISTIE, LLP**

By: 

David S. Rutherford (DR 8564)  
Attorneys for Defendant  
AMERICAN AIRLINES, INC.  
369 Lexington Avenue, 8<sup>th</sup> Floor  
New York, New York 10017  
(212) 599-5799  
Our File No.: 3748.342

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

VICTORIA HILLAIRE,

DOCKET NO.:

Plaintiff,  
-against-

**NOTICE TO ADVERSE  
PARTY OF FILING OF  
NOTICE OF REMOVAL**

AMERICAN AIRLINES, INC.

Defendant.

-----X

**PLEASE TAKE NOTICE**, that on June 17, 2009, defendant, AMERICAN AIRLINES, INC., duly filed the Notice of Removal in this action in its entirety to the United States District Court for the Eastern District of New York.

A copy of the Notice of Removal with copies of all process, pleadings and orders served on the defendant, AMERICAN AIRLINES, INC., and/or filed in the Supreme Court of the State of New York, County of Queens, are annexed hereto.

Dated: New York, New York  
June 17, 2009

Respectfully submitted,

**RUTHERFORD & CHRISTIE, LLP**

By: 

David S. Rutherford (DR 8564)  
Attorneys for Defendant  
AMERICAN AIRLINES, INC.  
369 Lexington Avenue, 8<sup>th</sup> Floor  
New York, New York 10017  
(212) 599-5799  
Our File No.: 3748.342

TO: RUBIN & LICATESI, P.C.  
Attorneys for Plaintiff  
591 Stewart Avenue, Fourth Floor  
Garden City, New York 11530  
(516) 227-2662

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

VICTORIA HILLAIRE,

X  
**Index No. 6139/2009**

Plaintiff,  
-against-

**NOTICE OF REMOVAL  
TO CLERK OF THE  
SUPREME COURT,  
QUEENS COUNTY**

AMERICAN AIRLINES, INC.,

Defendant.

X

TO: CLERK OF THE SUPREME COURT OF THE STATE OF NEW YORK,  
COUNTY OF QUEENS  
88-11 Sutphin Boulevard  
Jamaica, New York 11435

**PLEASE TAKE NOTICE** that on June 17, 2009, the defendant, AMERICAN AIRLINES, INC., duly filed a Notice of Removal, a copy of which is annexed hereto, removing this action in its entirety to the United States District Court for the Eastern District of New York.

Dated: New York, New York  
June 17, 2009

Respectfully submitted,

**RUTHERFORD & CHRISTIE, LLP**

By:

  
David S. Rutherford  
Attorneys for Defendant  
AMERICAN AIRLINES, INC.  
369 Lexington Avenue, 8<sup>th</sup> Floor  
New York, New York 10017  
(212) 599-5799  
Our File No.: 3748.342

TO: RUBIN & LICATESI, P.C.  
Attorneys for Plaintiff  
591 Stewart Avenue, Fourth Floor  
Garden City, New York 11530  
(516) 227-2662

**AFFIDAVIT OF SERVICE VIA MAIL**

**STATE OF NEW YORK }  
COUNTY OF NEW YORK }**

**Malta Gonzalez, being duly sworn, deposes and says:**

Deponent is not a party to the within action, is over 18 years of age and resides in New York  
County of the State of New York.

That on the 17th day of June ,2009 deponent served the within **NOTICE OF  
REMOVAL TO THE CLERK OF THE SUPREME COURT, QUEENS COUNTY** upon:

RUBIN & LICATESI, P.C.  
Attorneys for Plaintiff  
591 Stewart Avenue, Fourth Floor  
Garden City, New York 11530  
(516) 227-2662

attorneys for the plaintiffs in this action, at the address designated by said attorneys for that purpose, by depositing a true copy of same enclosed in a post-paid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office within the State of New York.

Malta Gonzalez

**Sworn to before me on this  
17th day of June, 2009**

NOTARY PUBLIC

JON E. NEWMAN  
Notary Public, State of New York  
No. ~~00000000~~ 0ZNE607697  
Qualified in Nassau County  
Commission Expires 2/1/2010



20090129 SUMMONS &amp; VERIFIED COMPLAINT (Page 1 of 6)

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

VICTORIA HILLAIRE

Plaintiff,

-against-

AMERICAN AIRLINES, INC.,

Defendant.

INDEX: 6139-09  
DATE FILED 3-13-09

SUMMONS

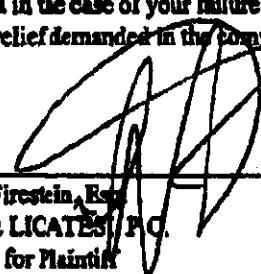
Plaintiff designates Queens County as the place of trial

The basis of venue:  
Plaintiff's Residence  
at 109-31 Francis Lewis Blvd.  
Queens Village, NY 11429

X  
TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the verified complaint in this action and to serve a copy of your answer, or, if the verified complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete, if this summons is not personally delivered to you within the State of New York), and in the case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Garden City, New York  
March 6, 2009

  
Jason S. Firestein, Esq.  
RUBIN & LICATES, P.C.  
Attorneys for Plaintiff  
591 Stewart Avenue, Fourth Floor  
Garden City, New York 11530  
(516) 227-2662

Defendant's Address:

AMERICAN AIRLINES, INC.  
4333 AMON CARTER BLVD  
MD5675  
FORT WORTH, TEXAS, 76155

SERVE VIA SECRETARY OF STATE

PLEASE PROMPTLY FORWARD THIS DOCUMENT TO YOUR INSURANCE COMPANY

SEARCHED & SERVED & VERIFIED COMPLAINT (Page 2 of 6)

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

X INDEX: 6139-09

VICTORIA HILLAIRE,

Plaintiff,

-against-

VERIFIED COMPLAINT

AMERICAN AIRLINES, INC.

Defendant.

X

Plaintiff, VICTORIA HILLAIRE, through her attorneys, RUBIN & LICATESI, P.C.,  
complaining of the defendants herein, respectfully alleges upon information and belief as follows:

1. That at all times hereinafter mentioned, the plaintiff, VICTORIA HILLAIRE, was and still is a resident of the County of Nassau, State of New York.
2. That at all times hereinafter mentioned the defendant, AMERICAN AIRLINES, INC. was and still is a foreign corporation authorized to do business in the State of New York.
3. That at all times hereinafter mentioned the defendant, AMERICAN AIRLINES, INC., had planes which operated out of JFK International Airport, and AMERICAN AIRLINES, INC. provided, among other things, air transportation services.
4. That at all times hereinafter mentioned the defendant, AMERICAN AIRLINES, INC. would periodically utilize the services of LSG Sky Chefs to supply its planes with food and beverages for its flights.
5. That at all times hereinafter mentioned the defendant, AMERICAN AIRLINES, INC., in utilizing the services of LSG Sky Chefs, employees of LSG Sky Chefs would bring scissor lifts to the planes in order to transport the food and beverages on and off the planes being serviced; employees of LSG Sky Chef would raise the scissor lifts to the plane's entrance and bring carts of food and beverages on and off the planes.
6. That at all times hereinafter mentioned the defendant, AMERICAN AIRLINES, INC., was responsible for making sure that its planes were properly stationed and secured when being serviced as described above by LSG Sky Chefs.

7. That at all times hereinafter mentioned the defendant, AMERICAN AIRLINES, INC., its employees, agents and servants, had a duty to ensure that it was obeying applicable federal, state, and local regulations, with respect to the operation of its planes at JFK Airport, and that it was generally responsible to make sure that it was safely operating its equipment at all times, to prevent injury and property damage to its equipment, employees, and others.
8. That on September 26, 2007, the plaintiff, VICTORIA HILLAIRE, was working for LSG Sky Chefs and servicing a 777 aircraft owned, operated, maintained and controlled by the Defendant AMERICAN AIRLINES, INC., as part of her job duties.
9. That on September 26, 2007, the plaintiff, VICTORIA HILLAIRE, was working for LSG Sky Chefs and servicing a 777 aircraft owned, operated, maintained and controlled by the Defendant AMERICAN AIRLINES, INC., and while inside the scissor lift, that aircraft was moved or caused to be moved by AMERICAN AIRLINES, INC., its agents, servants, employees and/or permissive users.
10. That on September 26, 2007, Defendant AMERICAN AIRLINES, INC., became aware of the incident described above as the incident not only caused personal injuries to the plaintiff VICTORIA HILLAIRE, but also damaged the equipment of LSG Sky Chefs in the process.
11. That on September 26, 2007, the defendant, its agents, servants, employees and/or permissive users, negligently and carelessly owned, operated, maintained, controlled, secured, restrained its aircraft and in so doing caused, created and allowed a dangerous and defective condition to exist, and caused a dangerous condition to exist with respect to its plane and the scissor lift, and failed to properly warn or notify plaintiff prior to moving the plane and in so doing, their acts and omissions caused and permitted a dangerous condition to exist.
12. That on September 26, 2007, the defendant, its agents, servants, employees and/or permissive users, were negligent and careless in failing to provide a safe place for plaintiff to work based upon the aforementioned conduct.
13. Upon the information and belief at the time and place of the defendant, its agents, servants, employees and/or permissive users had actual knowledge and notice of the dangerous condition and that is caused and created the dangerous condition and/or that the condition had existed for a sufficient length of time prior to the occurrence of the accident that the defendant herein could and should have had knowledge and notice of such conditions.
14. That the plaintiff did not cause or contribute to the accident.

2009M10 RUBIN & LICATESI COMPLAINT (Page 4 of 6)

15. That the accident and resultant injuries to the plaintiff were caused by the defendant.
16. That as a result of the negligence of the aforementioned defendant, the plaintiff, VICTORIA HILLAIRE, was caused to sustain serious bodily injuries which were accompanied with pain, bruising, rendering her disabled, sore, lame and sick. The plaintiff has been informed and verily believes that she will continue to suffer therefrom for an indefinite time in the future, and that the injuries are permanent in nature.
17. That by reason of the negligence of the defendant, and as a result of the injuries sustained by the plaintiff, VICTORIA HILLAIRE, has been damaged in a sum which exceeds the jurisdictional limits of all inferior courts.

WHEREFORE, on the basis of the foregoing, the plaintiff demands damages as against the defendant in a sum which exceeds the jurisdictional limits of all inferior courts, and the court may grant any type of relief within its jurisdiction appropriate to the proof whether or not demanded, imposing such terms as may be just; together with costs and disbursements of this action.

Dated: Garden City, New York  
March 6, 2009



By: Jason S. Licatesi, Esq.  
RUBIN & LICATESI, ESQ.  
Attorney for Plaintiff  
VICTORIA HILLAIRE  
591 Stewart Avenue - Fourth Floor  
Garden City, New York 11530  
(516) 227-2662

amounts to 100% of a vendor compliant plan.

**ATTORNEY'S VERIFICATION**

JASON S. FIRESTEIN, ESQ., deposes and says:

I am an attorney admitted to practice in the courts of the State of New York. I am associated with the firm of Rubin & Licessi, P. C., attorneys for the within Plaintiff.

I have read the annexed Complaint and know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters, I believe them to be true. My belief as to those matters herein not stated upon knowledge is based upon statements of fact, office records and my general investigation into the facts of this case.

The reason I make this verification instead of Plaintiff is because Plaintiff does not reside in the county wherein I maintain my offices.

Dated: Garden City, New York  
March 6, 2009

JASON FIRESTEIN

2009139 SUMMONS & VERIFIED COMPLAINT, Page 1 of 2

Index No.:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

VICTORIA HILLAIRE,

Plaintiff(s),

- against -

AMERICAN AIRLINES, INC.,

Defendant(s),

**SUMMONS & VERIFIED COMPLAINT**

RUBIN & LICATESI, P.C.  
Attorneys for Plaintiff  
Office & Post Office Address, Telephone  
591 Stewart Avenue, 4<sup>th</sup> Floor  
Garden City, New York 11530  
(516) 227-2662

To  
Attorney(s) for  
Service of a copy of the within

is hereby admitted.

Defect: Garden City, New York  
Attorneys(s) for

Sir Please take notice  
*Notice of Entry*  
that the within is a (certified) true copy of  
copy entered in the office of the clerk of the within named court on  
*Matter of Settlement*  
the an order  
return to the HON.  
of the within named Court, at  
on the day of  
Dated.

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of which the within is a true copy will be presented for  
one of the judges

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Under  
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Queens County Clerk's Office

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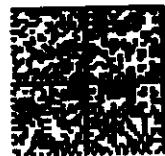
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DEPARTMENT OF STATE  
UNIFORM COMMERCIAL CODE  
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